

8589 THYS COURT  
SACRAMENTO, CA 95828



(916) 379-0957 MAIN  
(916) 379-0960 FAX

April 20, 2015

State of California  
Department of Transportation, MS 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816

Attention : John McMillan, Deputy Division Chief

RE: Contract No. 02-3E7304  
Siskiyou County North of Yreka at Hilt Road Overcrossing  
Bid Opening Date 4/2/15

Mr. McMillan,

Please accept this letter as R N R's request of the Department to closely re-evaluate and then reject the DBE Submittal as provided by the apparent low bidder, J.F. Shea Construction, Inc., for the above referenced project.

Per Section 2-1.12B(1) of the Revised Standard Specifications dated January 23, 2015, in order for a bidding Contractor to receive full DBE credit for a trucking company performing a commercially useful function, the following factors apply.

- The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
- The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- The DBE receives credit for the total value of the transportation services it provides on the Contract using trucks it owns, insures, and operates using drivers it employs.
- The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Contract.
- The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.
- A lease must indicate that the DBE has exclusive use and control over the truck. This does not preclude the leased truck from working for other during the term of the lease with the consent of the DBE, so long as the lease give the DBE absolute priority for the use of the leased truck. Leased trucks must display the name and identification number of the DBE.

From the FHWA Rules on the matter :

The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.

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After a review of the DBE Submittal of the Low Bidder, and based on the listed DBE trucker's actual known fleet of three (3) trucks (shown in its DBE Certificate), the referenced trucking company, T.K. Blackburn Trucking, likely may not meet stipulated hours of trucking based on trucking requirements of this project and likely may not meet the trucking requirements of this project within required contractual timeframe for earthwork without additional resources such as leasing.

It follows that the amount indicates for T.K. Blackburn Trucking of \$128,040 on the DBE Submittal should not be accepted as an accurate DBE participation percentage of J.F. Shea's total contract value but, instead, is a contrived value with questionable and arbitrary participation percentage. Case in point, the arbitrary percentage (as if it were a DBE "material furnish" credit) is an error in the credit rules and a misrepresentation, because, it already indicates that the low bidder knows at this time that additional trucking will be required beyond the fleet of the listed DBE trucker and this other trucking will not be credited to DBE Goals. Consequentially, without an accurate verification of the actual DBE trucking based on the actual DBE fleet, the current trucking amount is entirely arbitrary.

As a DBE contractor itself, R N R Construction, as the 3<sup>rd</sup> bidder, respectfully asks that the Department thoroughly inquire and then reject the DBE participation goal calculations of J.F. Shea based on T.K. Blackburn Trucking as not satisfactorily reliable, and insufficiently responsive to the rules. Consequentially, the low bidder has not fulfilled the minimum DBE participation listed for this project.

We appreciate your prompt consideration and attention to this matter. If you have any questions, please contact the undersigned at (916) 379-0957.

Sincerely,

**R N R Construction, Inc.**

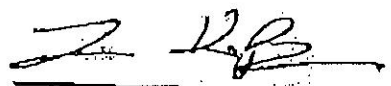
A handwritten signature in black ink, appearing to read 'André K. Catellier', is written over a horizontal line.

By: André K. Catellier, PE  
President

**T. K. BLACKBURN TRUCKING**  
P. O. BOX 922  
YREKA CA 96097

**COMMENTS:** Biding Project State Highway In Siskiyou County at Hilt Road Overcrossing  
Contract No. 02-3E7304  
Bid Date April 2, 2016

Item 39 160/hrs x \$110/hr = \$17,600  
Item 43 928/hrs x \$110/hr = \$102,080  
Item 49 620/hrs x \$110/hr = \$68,200  
Item 50 232/hrs x \$110/hr = \$25,520  
\$213,400 x 60% = \$128,040

  
(Signature)

**T. K. BLACKBURN TRUCKING**  
P. O. BOX 822  
YREKA CA 96097

DBE # 22000  
DIR # 1000016291

**FAX QUOTE SHEET**  
March 31 2016

Quote: 203

<b>From</b> CONTACT: TERRANCE K. BLACKBURN PHONE: 805-501-2683 FAX: 861-256-2272 EMAIL:	<b>To</b> COMPANY: JF SHEA CONSTRUCTION, INC. ATTENTION: Kirk Johnson PHONE: 530-248-4292 FAX: 530-248-8940 EMAIL:
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<b>COMMODITY:</b>	All Materials
<b>QUANTITY:</b>	10 Wheelers Bottom Dumps End Dumps Water Truck

<b>REQUIREMENTS:</b>	15 Day Pay, 8 Hour Minimum, Saturday Rate Plus 5%, Sunday Rate Plus 10%. Prevailing Wage Rate will increase hour rate by \$25.00 per hour if needed. Fuel Surcharge; 1% increase for every 10 cents a gallon after \$3.25/gallon. Travel time as needed.
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<b>ORIGIN(S):</b>	
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<b>DESTINATION(S):</b>	
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<b>RATES:</b>	End Dumps; \$110.00 per hour Bottom Dumps; \$110.00 per hour 10 Wheeler; \$97.00 per hour Water Truck; \$97.00
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\$ 128,040.00

Unified Certification Program

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**Search Returned 1 Records**

Thu Apr 02 08:26:54 PDT 2015

**Query Criteria**

Firm/DBA Name: blackburn

Firm Type: DBE

Firm ID	22000
Firm/DBA Name	T K BLACKBURN TRUCKING
Address Line1	1081 FOOTHILL DRIVE
Address Line2	
City	YREKA
State	CA
Zip Code1	96097
Zip Code2	
Mailing Address Line1	1081 FOOTHILL DRIVE
Mailing Address Line2	
Mailing City	YREKA
Mailing State	CA
Mailing Zip Code1	96097
Mailing Zip Code2	
Certification Type	DBE
E-Mail	tkblackburntrucking@aol.net
Contact Name	TERRANCE BLACKBURN
Area Code	(805)
Phone Number	601-2893
Fax Area Code	( )
Fax Phone Number	
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 45; 46; 47; 48; 49; 50; 51; 52; 53; 54; 55; 56; 57; 58; 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12;
Districts	
DBE NAICS	425120; 484110;

**ACDBE NAICS**

Work Codes	C8602 BOTTOM DUMP TRUCKING; C8605 FLAT BED TRUCKING; C8606 WATER TRUCK; C8771
Licenses	TRUCK BROKER; C8774 TRUCKER;
Trucks	FOR HIRE - 3;
Gender	M
Ethnicity	BLACK
Firm Type	DBE

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**ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED**



**INCORPORATED**

# FAX TRANSMITTAL SHEET

Number of Pages  
(Including This Page)

CC:

Name \_\_\_\_\_

**Fax****Voice #**